

Suspend the Rules and Pass the Bill, HR. 3551, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

115TH CONGRESS
1ST SESSION

H. R. 3551

To amend the Security and Accountability for Every Port Act of 2006 to reauthorize the Customs-Trade Partnership Against Terrorism Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2017

Ms. MCSALLY (for herself, Mr. REICHERT, Mr. McCAUL, Mr. KING of New York, Mr. HURD, and Mr. GARRETT) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To amend the Security and Accountability for Every Port Act of 2006 to reauthorize the Customs-Trade Partnership Against Terrorism Program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “C-TPAT Reauthoriza-
5 tion Act of 2017”.

1 **SEC. 2. CUSTOMS-TRADE PARTNERSHIP AGAINST TER-**
2 **RORISM.**

3 (a) IN GENERAL.—Subtitle B of title II of the Secu-
4 rity and Accountability for Every Port Act of 2006 (6
5 U.S.C. 961 et seq.) is amended to read as follows:

6 **“Subtitle B—Customs-Trade**
7 **Partnership Against Terrorism**

8 **“SEC. 211. ESTABLISHMENT OF THE CUSTOMS-TRADE**
9 **PARTNERSHIP AGAINST TERRORISM PRO-**
10 **GRAM.**

11 “(a) IN GENERAL.—There is established within U.S.
12 Customs and Border Protection a voluntary government-
13 private sector partnership program to be known as the
14 Customs-Trade Partnership Against Terrorism (C-
15 TPAT).

16 “(b) PURPOSE.—The purposes of the C-TPAT pro-
17 gram are to—

18 “(1) strengthen and improve the overall secu-
19 rity of the international supply chain and United
20 States border security;

21 “(2) facilitate the movement of secure cargo
22 through the international supply chain;

23 “(3) ensure compliance with applicable law; and

24 “(4) serve as the Authorized Economic Oper-
25 ator program for the United States.

1 “(c) DIRECTOR.—There shall be at the head of the
2 C-TPAT program a Director, who shall report to the Ex-
3 ecutive Assistant Commissioner of the Office of Field Op-
4 erations (in this subtitle referred to as the ‘Executive As-
5 sistant Commissioner’) of U.S. Customs and Border Pro-
6 tection.

7 “(d) DUTIES.—The Director of the C-TPAT pro-
8 gram shall—

9 “(1) oversee the activities of the C-TPAT pro-
10 gram, including certification of C-TPAT partici-
11 pants;

12 “(2) evaluate and make revisions to security
13 criteria pursuant to subsections (c) and (d) of sec-
14 tion 213;

15 “(3) ensure that participants receive a tangible
16 and measurable benefit for participation; and

17 “(4) carry out other duties and powers pre-
18 scribed by the Executive Assistant Commissioner.

19 **“SEC. 212. ELIGIBLE ENTITIES AND NOTICE OF BENEFITS.**

20 “(a) ELIGIBLE ENTITIES.—Importers, exporters,
21 customs brokers, forwarders, air, sea, and land carriers,
22 contract logistics providers, and other entities in the inter-
23 national supply chain and intermodal transportation sys-
24 tem are eligible to apply for participation in the C-TPAT
25 program.

1 “(b) TIERED PARTICIPATION.—

2 “(1) IN GENERAL.—Applicants may be eligible
3 to participate as Tier 1 or Tier 2 participants.

4 “(2) IMPORTERS.—Importers may be eligible to
5 participate as Tier 3 participants.

6 “(3) EXTENSION.—The Executive Assistant
7 Commissioner may, in his or her discretion, extend
8 Tier 3 participation to other entity types, if appro-
9 priate.

10 “(c) NOTICE OF BENEFITS.—

11 “(1) IN GENERAL.—The Commissioner of U.S.
12 Customs and Border Protection shall publish, on the
13 U.S. Customs and Border Protection website and
14 through other appropriate online publication, infor-
15 mation about benefits to C-TPAT program partici-
16 pants.

17 “(2) CHANGES.—The Commissioner of U.S.
18 Customs and Border Protection shall publish, on the
19 U.S. Customs and Border Protection website and
20 through other appropriate online publication, notice
21 of any changes to benefits to C-TPAT program par-
22 ticipants not later than 30 days before any such
23 changes take effect.

1 **“SEC. 213. PARTICIPATION ELIGIBILITY.**

2 “(a) IN GENERAL.—The Executive Assistant Com-
3 missioner shall review all documentation submitted by an
4 applicant pursuant to subsection (b)(2), conduct a back-
5 ground investigation of such applicant, and vet such appli-
6 cant.

7 “(b) GENERAL REQUIREMENTS.—To be eligible for
8 participation in the C-TPAT program, an entity shall, at
9 a minimum—

10 “(1) have a designated company employee au-
11 thorized to bind such entity that is a direct company
12 employee and will serve as the primary point of con-
13 tact responsible for participation of such entity in
14 the C-TPAT program;

15 “(2) at the time of initial application and annu-
16 ally thereafter, including in advance of any recertifi-
17 cation or revalidation, submit an international sup-
18 ply chain security profile, which shall identify how
19 such entity meets the minimum security criteria of
20 the C-TPAT program established by the Commis-
21 sioner of U.S. Customs and Border Protection and
22 how such entity will maintain and enhance internal
23 policies, procedures, and practices related to inter-
24 national supply chain security; and

25 “(3) meet any specific requirements for eligible
26 entities, as established by the Commissioner.

1 “(c) MINIMUM SECURITY CRITERIA.—The Commis-
2 sioner of U.S. Customs and Border Protection shall estab-
3 lish minimum security criteria for participants in the C-
4 TPAT program, review such minimum security criteria
5 not less than once every two years, and update such min-
6 imum security criteria as necessary. Such minimum secu-
7 rity criteria shall seek to address security vulnerabilities
8 in the international supply chain.

9 “(d) ADDITIONAL AND UPDATED CRITERIA.—The
10 Commissioner of U.S. Customs and Border Protection
11 may establish additional and updated security criteria for
12 individual C-TPAT program participants, categories of
13 C-TPAT program participants, or particular entity types
14 to meet in order to address a security vulnerability in the
15 international supply chain.

16 “(e) CONSULTATION.—When establishing or updat-
17 ing security criteria in accordance with subsection (c), and
18 when establishing additional or updated security criteria
19 in accordance subsection (d), the Commissioner of U.S.
20 Customs and Border Protection shall consult with C-
21 TPAT program participants and other interested parties,
22 and shall—

23 “(1) conduct a cost benefit analysis of such pro-
24 posed new, additional, or updated security criteria in
25 consultation with the Commercial Customs Oper-

1 ations Advisory Committee established under section
2 109 of the Trade Facilitation and Trade Enforce-
3 ment Act of 2015 (Public Law 114–125; 19 U.S.C.
4 4316);

5 “(2) determine operational feasibility and,
6 where appropriate, conduct a phased implementation
7 of such proposed additional or updated security cri-
8 teria; and

9 “(3) provide C-TPAT program participants
10 and other interested parties a 90-day comment pe-
11 riod to review and comment on such proposed addi-
12 tional or updated security criteria.

13 “(f) WAIVER.—The Commissioner of U.S. Customs
14 and Border Protection may waive the requirements of sub-
15 section (e) if the Commissioner determines there is a sig-
16 nificant and imminent risk to the national security of the
17 United States and such a waiver is necessary to protect
18 such national security. Not later than 120 days after the
19 issuance of any such waiver, the Commissioner shall an-
20 nounce on the U.S. Customs and Border Protection
21 website and through other appropriate online publication
22 the Commissioner’s intent to either withdraw such waiver
23 or maintain such waiver while commencing efforts to es-
24 tablish minimum security criteria or establish additional

1 or update existing security criteria in accordance with sub-
2 section (c) or (d), respectively.

3 **“SEC. 214. BENEFITS FOR C-TPAT PROGRAM PARTICI-**
4 **PANTS.**

5 “(a) IN GENERAL.—The Executive Assistant Com-
6 missioner shall extend certain benefits to each C-TPAT
7 program participant. Minimum benefits for each such par-
8 ticipant shall include the following:

9 “(1) Assignment of a U.S. Customs and Border
10 Protection Supply Chain Security Specialist.

11 “(2) Access to the C-TPAT program’s web-
12 based Portal system and training materials.

13 “(3) A periodic and unclassified update on re-
14 gional and other relevant threats to the international
15 supply chain.

16 “(b) PUBLIC AVAILABILITY.—The Executive Assist-
17 ant Commissioner shall make publicly available on the C-
18 TPAT portal an annual assessment of the tangible bene-
19 fits being realized by C-TPAT program participants.

20 “(c) ANNUAL ASSESSMENT.—The Executive Assist-
21 ant Commissioner shall conduct, on an annual basis, an
22 assessment of the benefits conferred to C-TPAT program
23 participants. The Executive Assistant Commissioner shall
24 determine a process to carry out such assessments, to in-
25 clude projected milestones and completion dates for ad-

1 dressing data reliability issues and, as necessary, cor-
2 recting data weaknesses, so that U.S. Customs and Border
3 Protection can produce accurate and reliable annual as-
4 sessments that can be compared year-to-year.

5 **“SEC. 215. TIER 1 PARTICIPANTS.**

6 “(a) CERTIFICATION.—The Executive Assistant
7 Commissioner shall certify the security measures and
8 international supply chain security practices of all appli-
9 cants to and participants in the C-TPAT program in ac-
10 cordance with section 213(b)(2) and the guidelines re-
11 ferred to in subsection (c) of this section. Certified partici-
12 pants shall be Tier 1 participants.

13 “(b) BENEFITS FOR TIER 1 PARTICIPANTS.—Upon
14 completion of the certification under subsection (a), a C-
15 TPAT program participant shall be certified as a Tier 1
16 participant. The Executive Assistant Commissioner shall
17 extend limited benefits to a Tier 1 participant.

18 “(c) GUIDELINES.—Not later than 180 days after the
19 date of the enactment of this subtitle, the Commissioner
20 of U.S. Customs and Border Protection shall update the
21 guidelines and criteria for certifying a C-TPAT program
22 participant’s security measures and supply chain security
23 practices under this section. Such guidelines shall include
24 a background investigation and review of appropriate doc-
25 umentation, as determined by the Commissioner.

1 “(d) TIMEFRAME.—To the extent practicable, the
2 Executive Assistant Commissioner shall complete the Tier
3 1 certification process within 90 days of receipt of an ap-
4 plication for participation in the C-TPAT program.

5 **“SEC. 216. TIER 2 PARTICIPANTS.**

6 “(a) VALIDATION.—The Executive Assistant Com-
7 missioner shall validate the security measures and inter-
8 national supply chain security practices of a Tier 1 C-
9 TPAT program participant in accordance with the guide-
10 lines referred to in subsection (c) to validate such partici-
11 pant as a Tier 2 participant. Such validation shall include
12 on-site assessments at appropriate foreign and domestic
13 locations utilized by such Tier 1 participant in its inter-
14 national supply chain.

15 “(b) BENEFITS FOR TIER 2 PARTICIPANTS.—The
16 Executive Assistant Commissioner, shall extend benefits
17 to each C-TPAT participant that has been validated as
18 a Tier 2 participant under this section. Such benefits may
19 include the following:

20 “(1) Reduced scores in U.S. Customs and Bor-
21 der Protection’s Automated Targeting System.

22 “(2) Reduced number of security examinations
23 by U.S. Customs and Border Protection.

24 “(3) Priority examinations of cargo.

1 “(4) Access to the Free and Secure Trade
2 (FAST) Lanes at United States ports of entry.

3 “(5) Recognition as a trusted trade partner by
4 foreign customs administrations that have signed
5 Mutual Recognition Arrangements with U.S. Cus-
6 toms and Border Protection.

7 “(6) In the case of importers, eligibility to par-
8 ticipate in the Importer Self-Assessment Program
9 (ISA) or successor compliance program.

10 “(c) GUIDELINES.—Not later than 180 days after the
11 date of the enactment of this subtitle, the Commissioner
12 shall develop a schedule and update the guidelines and cri-
13 teria for validating a C-TPAT participant’s security
14 measures and supply chain security practices under this
15 section.

16 “(d) TIMEFRAME.—To the extent practicable, the
17 Executive Assistant Commissioner shall complete the Tier
18 2 validation process for a C-TPAT program participant
19 under this section within one year after certification of
20 such participant as a Tier 1 participant.

21 **“SEC. 217. TIER 3 PARTICIPANTS.**

22 “(a) IN GENERAL.—The Commissioner shall estab-
23 lish a third tier of C-TPAT program participation that
24 offers additional benefits to C-TPAT program partici-
25 pants that are importers or other entity types, in accord-

1 ance with section 212(b), that demonstrate a sustained
2 commitment to maintaining security measures and inter-
3 national supply chain security practices that exceed the
4 guidelines established for validation as a Tier 2 partici-
5 pant in the C-TPAT program under section 216.

6 “(b) BEST PRACTICES.—The Executive Assistant
7 Commissioner may designate a Tier 2 C-TPAT program
8 participant as a Tier 3 participant based on a review of
9 best practices in such participant’s international supply
10 chain that reflect a continued approach to enhanced inter-
11 national supply chain security, including—

12 “(1) compliance with any additional or updated
13 criteria established by the Commissioner of U.S.
14 Customs and Border Protection under section
15 213(d) that exceed the guidelines established pursu-
16 ant to section 216 for validating a C-TPAT pro-
17 gram participant as a Tier 2 participant; and

18 “(2) any other factors that the Executive As-
19 sistant Commissioner determines appropriate.

20 “(c) BENEFITS FOR TIER 3 PARTICIPANTS.—The
21 Executive Assistant Commissioner, in consultation with
22 the Commercial Customs Operations Advisory Committee
23 established under section 109 of the Trade Facilitation
24 and Trade Enforcement Act of 2015 (Public Law 114–
25 125; 19 U.S.C. 4316) and the National Maritime Security

1 Advisory Committee established under section 70112 of
2 title 46, United States Code, shall extend benefits to each
3 C-TPAT program participant that has been validated as
4 a Tier 3 participant under this section, which may include
5 the following:

6 “(1) Further reduction in the number of exami-
7 nations by U.S. Customs and Border Protection.

8 “(2) Front of the line inspections and examina-
9 tions.

10 “(3) Exemption from Stratified Exams.

11 “(4) Shorter wait times at United States ports
12 of entry.

13 “(5) Access to the Free and Secure Trade
14 (FAST) Lanes at United States ports of entry.

15 “(6) Recognition as a trusted trade partner by
16 foreign customs administrations that have signed
17 Mutual Recognition Arrangements with U.S. Cus-
18 toms and Border Protection.

19 “(7) In the case of importers, eligibility to par-
20 ticipate in the Importer Self-Assessment Program
21 (ISA) or successor compliance program.

22 **“SEC. 218. CONSEQUENCES FOR LACK OF COMPLIANCE.**

23 “(a) IN GENERAL.—If at any time the Executive As-
24 sistant Commissioner determines that a C-TPAT pro-
25 gram participant’s security measures or international sup-

1 ply chain security practices fail to meet applicable require-
2 ments under this subtitle, the Executive Assistant Com-
3 missioner may deny such participant benefits otherwise
4 made available pursuant to this subtitle, either in whole
5 or in part. The Executive Assistant Commissioner shall
6 develop procedures, in consultation with Commercial Cus-
7 toms Operations Advisory Committee, established under
8 section 109 of the Trade Facilitation and Trade Enforce-
9 ment Act of 2015 (Public Law 114–125; 19 U.S.C. 4316),
10 that provide appropriate protections to C–TPAT program
11 participants, including advance notice and an opportunity
12 for such participants to provide additional information to
13 U.S. Customs and Border Protection regarding any such
14 alleged failure, before any of such benefits are withheld.
15 Such procedures may not limit the ability of the Executive
16 Assistant Commissioner to take actions to protect the na-
17 tional security of the United States.

18 “(b) FALSE OR MISLEADING INFORMATION; LACK OF
19 COMPLIANCE WITH LAW.—If a C–TPAT program partici-
20 pant knowingly provides false or misleading information
21 to the Commissioner of U.S. Customs and Border Protec-
22 tion, the Executive Assistant Commissioner, or any other
23 officers or officials of the United States Government, or
24 if at any time the Executive Assistant Commissioner de-
25 termines that a C–TPAT program participant has com-

mitted a serious violation of Federal law or customs regulations, or if a C-TPAT program participant has committed a criminal violation relating to the economic activity of such participant, the Executive Assistant Commissioner may suspend or expel such participant from the C-TPAT program for an appropriate period of time. The Executive Assistant Commissioner, after the completion of the process described in subsection (d), may publish in the Federal Register a list of C-TPAT program participants that have been so suspended or expelled from the C-TPAT program pursuant to this subsection.

“(c) NATIONAL SECURITY.—If at any time the Executive Assistant Commissioner determines that a C-TPAT program participant poses a significant and imminent risk to the national security of the United States or has committed a serious violation of Federal law or customs regulations, or if a C-TPAT program participant has committed a criminal violation relating to the economic activity of such participant, the Executive Assistant Commissioner may suspend or expel such participant from the C-TPAT program for an appropriate period of time. The Executive Assistant Commissioner, after the completion of the process described in subsection (d), may publish in the Federal Register a list of C-TPAT program participants

1 that have been so suspended or expelled from the C-TPAT
2 program pursuant to this subsection.

3 “(d) RIGHT OF APPEAL.—

4 “(1) IN GENERAL.—The Commissioner of U.S.
5 Customs and Border Protection shall establish a
6 process for a C-TPAT program participant to ap-
7 peal a decision of the Executive Assistant Commis-
8 sioner under subsection (a). Such appeal shall be
9 filed with the Commissioner not later than 90 days
10 after the date of such decision, and the Commis-
11 sioner shall issue a determination not later than 90
12 days after such appeal is filed.

13 “(2) APPEALS OF OTHER DECISIONS.—The
14 Commissioner of U.S. Customs and Border Protec-
15 tion shall establish a process for a C-TPAT pro-
16 gram participant to appeal a decision of the Execu-
17 tive Assistant Commissioner under subsections (b)
18 and (c). Such appeal shall be filed with the Commis-
19 sioner not later than 30 days after the date of such
20 decision, and the Commissioner shall issue a deter-
21 mination not later than 90 days after such appeal is
22 filed.

23 **“SEC. 219. VALIDATIONS BY OTHER DHS COMPONENTS.**

24 “(a) IN GENERAL.—The Commissioner of U.S. Cus-
25 toms and Border Protection may recognize regulatory in-

1 inspections conducted by other components of the Depart-
2 ment of Homeland Security of entities as sufficient to con-
3 stitute validation for C-TPAT program participation in
4 cases in which any such component's inspection regime is
5 harmonized with validation criteria for the C-TPAT pro-
6 gram. Such regulatory inspections shall not limit the abil-
7 ity of U.S. Customs and Border Protection to conduct a
8 C-TPAT program validation.

9 “(b) REVALIDATION.—Nothing in this section may
10 limit the Commissioner of U.S. Customs and Border Pro-
11 tection's ability to require a revalidation by U.S. Customs
12 and Border Protection.

13 “(c) CERTIFICATION.—Nothing in this section may
14 be construed to authorize certifications of C-TPAT appli-
15 cants to be performed by any party other than U.S. Cus-
16 toms and Border Protection.

17 **“SEC. 220. RECERTIFICATION AND REVALIDATION.**

18 “(a) RECERTIFICATION.—The Commissioner of U.S.
19 Customs and Border Protection shall implement a recer-
20 tification process for all C-TPAT program participants.
21 Such process shall occur annually, and shall require—

22 “(1) a review of the security profile and sup-
23 porting documentation to ensure adherence to the
24 minimum security criteria under section 213; and

25 “(2) background checks and vetting.

1 “(b) REVALIDATION.—The Commissioner of U.S.
2 Customs and Border Protection shall implement a re-
3 validation process for all Tier 2 and Tier 3 C-TPAT pro-
4 gram participants. Such process shall require—

5 “(1) a framework based upon objective, risk
6 based criteria for identifying participants for peri-
7 odic revalidation at least once every four years fol-
8 lowing the initial validation of such participants;

9 “(2) on-site assessments at appropriate foreign
10 and domestic locations utilized by such a participant
11 in its international supply chain; and

12 “(3) an annual plan for revalidation that in-
13 cludes—

14 “(A) performance measures;

15 “(B) an assessment of the personnel need-
16 ed to perform such revalidations; and

17 “(C) the number of participants that will
18 be revalidated during the following year.

19 “(c) REVALIDATION UNDER A MUTUAL RECOGNI-
20 TION ARRANGEMENT.—

21 “(1) IN GENERAL.—Upon request from the
22 Commissioner of U.S. Customs and Border Protec-
23 tion, all Tier 2 and Tier 3 C-TPAT program par-
24 ticipants shall provide any revalidation report con-

1 ducted by a foreign government under a Mutual
2 Recognition Arrangement.

3 “(2) RECOGNITION.—The Commissioner of
4 U.S. Customs and Border Protection may recognize
5 revalidations of entities conducted by foreign govern-
6 ments under a Mutual Recognition Arrangement as
7 sufficient to constitute a revalidation for C-TPAT
8 program participation under subsection (b).

9 “(3) NO LIMITATION.—Nothing in this sub-
10 section may be construed to limit the Commissioner
11 of U.S. Customs and Border Protection’s ability to
12 require a revalidation by U.S. Customs and Border
13 Protection.

14 “(d) DESIGNATED COMPANY EMPLOYEES.—Only
15 designated company employees of a C-TPAT program
16 participant under section 213(b)(1) are authorized to re-
17 spond to a revalidation report. Third-party entities are not
18 authorized to respond to a revalidation report.

19 **“SEC. 221. NONCONTAINERIZED CARGO AND THIRD PARTY**
20 **LOGISTICS PROVIDERS.**

21 “The Commissioner of U.S. Customs and Border
22 Protection shall consider the potential for participation in
23 the C-TPAT program by importers of noncontainerized
24 cargoes and non-asset-based third party logistics providers
25 that otherwise meet the requirements under this subtitle.

1 **“SEC. 222. PROGRAM MANAGEMENT.**

2 “(a) IN GENERAL.—The Commissioner of U.S. Cus-
3 toms and Border Protection shall establish sufficient in-
4 ternal quality controls and record management, including
5 recordkeeping (including maintenance of a record manage-
6 ment system in accordance with subsection (b)) and moni-
7 toring staff hours, to support the management systems of
8 the C-TPAT program. In managing the C-TPAT pro-
9 gram, the Commissioner shall ensure that the C-TPAT
10 program includes the following:

11 “(1) A 5-year plan to identify outcome-based
12 goals and performance measures of the C-TPAT
13 program.

14 “(2) An annual plan for each fiscal year de-
15 signed to match available resources to the projected
16 workload.

17 “(3) A standardized work program to be used
18 by agency personnel to carry out the certifications,
19 validations, recertifications, and revalidations of C-
20 TPAT program participants.

21 “(4) In accordance with subsection (e), a stand-
22 ardized process for the Executive Assistant Commis-
23 sioner to receive reports of suspicious activity, in-
24 cluding reports regarding potentially compromised
25 cargo or other border or national security concerns.

26 “(b) DOCUMENTATION OF REVIEWS.—

1 “(1) IN GENERAL.—The Commissioner of U.S.
2 Customs and Border Protection shall maintain a
3 record management system to document determina-
4 tions on the reviews of each C-TPAT program par-
5 ticipant, including certifications, validations, recer-
6 tifications, and revalidations.

7 “(2) STANDARDIZED PROCEDURES.—To ensure
8 accuracy and consistency within the record manage-
9 ment system required under this subsection, the
10 Commissioner shall develop, disseminate, and re-
11 quire utilization of standardized procedures for
12 agency personnel carrying out certifications, valida-
13 tions, recertifications, and revalidations to report
14 and track information regarding the status of each
15 C-TPAT program participant.

16 “(c) CONFIDENTIAL INFORMATION SAFEGUARDS.—
17 In consultation with the Commercial Customs Operations
18 Advisory Committee established under section 109 of the
19 Trade Facilitation and Trade Enforcement Act of 2015
20 (Public Law 114–125; 19 U.S.C. 4316), the Commis-
21 sioner of U.S. Customs and Border Protection shall de-
22 velop and implement procedures to ensure the protection
23 of confidential data collected, stored, or shared with gov-
24 ernment agencies or as part of the application, certifi-

1 cation, validation, recertification, and revalidation proc-
2 esses.

3 “(d) RESOURCE MANAGEMENT STAFFING PLAN.—
4 The Commissioner of U.S. Customs and Border Protec-
5 tion shall—

6 “(1) develop a staffing plan to recruit and train
7 staff (including a formalized training program) to
8 meet the objectives identified in the 5-year strategic
9 plan under subsection (a)(1); and

10 “(2) provide cross-training in post incident
11 trade resumption for the C-TPAT Director and
12 other relevant personnel who administer the C-
13 TPAT program.

14 “(e) ENGAGEMENT.—In carrying out the standard-
15 ized process required under subsection (a)(4), the Com-
16 missioner shall engage with and provide guidance to C-
17 TPAT program participants and other appropriate stake-
18 holders on submitting reports described in such sub-
19 section.

20 “(f) REPORT TO CONGRESS.—In connection with the
21 President’s annual budget submission for the Department
22 of Homeland Security, the Commissioner of U.S. Customs
23 and Border Protection shall report to the appropriate con-
24 gressional committees on the progress made by the Com-
25 missioner to certify, validate, recertify, and revalidate C-

1 TPAT program participants. Each such report shall be
2 due on the same date that the President's budget is sub-
3 mitted to Congress.”.

4 (b) SAVING CLAUSE.—

5 (1) IN GENERAL.—The amendments made by
6 this Act shall take effect and apply beginning on the
7 date that is 30 days after the date of the enactment
8 of this Act with respect to applicants for participa-
9 tion in the C-TPAT program.

10 (2) EXCEPTION.—Paragraph (1) shall not
11 apply in case of C-TPAT program participants who
12 are such participants as of the date specified in such
13 paragraph. Such participants shall be subject to the
14 amendments made by this Act upon revalidation of
15 such participants to participate in such program.
16 Until such time, such participants shall be subject to
17 the requirements of the C-TPAT program as in ex-
18 istence on the day before the date of the enactment
19 of this Act.

20 (c) CLERICAL AMENDMENTS.—The table of contents
21 in section 1(b) of the Security and Accountability for
22 Every Port Act of 2006 is amended by striking the items
23 relating to subtitle B of title II and inserting the following
24 new items:

“Subtitle B—Customs-Trade Partnership Against Terrorism

- “Sec. 211. Establishment of the Customs and Trade Partnership Against Terrorism program.
- “Sec. 212. Eligible entities and notice of benefits.
- “Sec. 213. Participation eligibility.
- “Sec. 214. Benefits for C-TPAT program participants.
- “Sec. 215. Tier 1 participants.
- “Sec. 216. Tier 2 participants.
- “Sec. 217. Tier 3 participants.
- “Sec. 218. Consequences for lack of compliance.
- “Sec. 219. Validations by other DHS components.
- “Sec. 220. Recertification and revalidation.
- “Sec. 221. Noncontainerized cargo and third party logistics providers.
- “Sec. 222. Program management.”.